

Meeting of the Licensing Sub-Committee 4 – 2nd May 2023

Report of the Interim Director of Environment Directorate

Application to Vary a Premises Licence

The Crown, High Street, Sedgley. Dudley, DY3 1RJ.

Purpose

- 1 To consider the application for variation of the premises licence in respect of the premises known as The Crown, High Street, Sedgley, Dudley, DY3 1RJ.

Recommendation

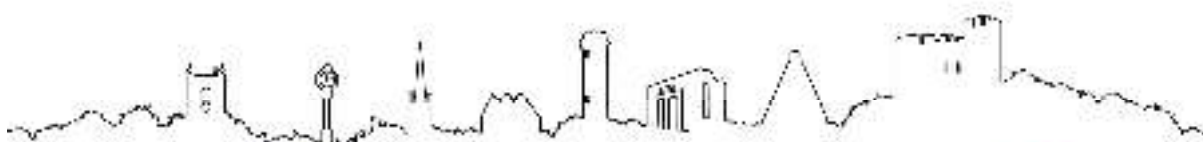
2. That the Sub-Committee determine the application for variation of the premises licence following the receipt of representations.

Background

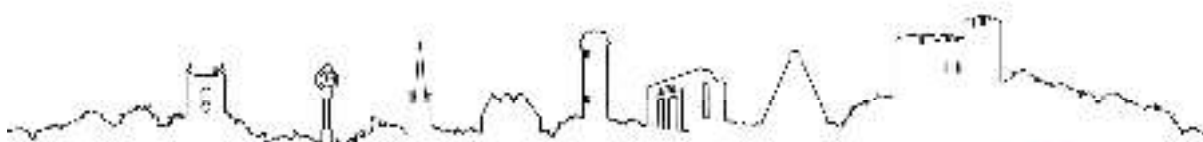
3. The Crown was first issued with a premises licence on the 27th September 2005, that licence was transferred into the name of the current premises licence holder Marston's PLC on the 20th September 2022.
4. The current premises licence is issued for the following days and times:

Supply of Alcohol / Premises Open to the Public

B: Films	Monday to Thursday	11:00	23:00
B: Films	Friday to Saturday	11:00	00:00
B: Films	Sunday	12:00	22:30
B: Films	When hours for sale of alcohol are extended hereunder these hours are also extended		
C: Indoor Sporting Events	Monday to Thursday	11:00	23:00
C: Indoor Sporting Events	Friday to Saturday	11:00	00:00
C: Indoor Sporting Events	Sunday	12:00	22:30
C: Indoor Sporting Events	When hours for sale of alcohol are extended hereunder these hours are also extended		
E: Live Music	Monday to Thursday	11:00	23:00
E: Live Music	Friday to Saturday	11:00	00:00
E: Live Music	Sunday	12:00	23:00
E: Live Music	When hours for sale of alcohol are extended hereunder these hours are also extended		
F: Recorded Music	Monday to Thursday	11:00	23:00
F: Recorded Music	Friday to Saturday	11:00	00:00
F: Recorded Music	Sunday	12:00	23:00



F: Recorded Music	When hours for sale of alcohol are extended hereunder these hours are also extended	11:00	23:00
G: Performance of Dance	Monday to Thursday	11:00	00:00
G: Performance of Dance	Friday to Saturday	12:00	22:30
G: Performance of Dance	Sunday		
G: Performance of Dance	When hours for sale of alcohol are extended hereunder these hours are also extended	11:00	23:00
H: Entertainment similar to E, F or G	Monday to Thursday	11:00	00:00
H: Entertainment similar to E, F or G	Friday and Saturday	12:00	23:00
H: Entertainment similar to E, F or G	Sunday	23:00	00:00
I: Late Night Refreshment	Friday to Saturday		
I: Late Night Refreshment	When hours for sale of alcohol are extended hereunder these hours are also extended	11:00	00:00
J: Supply of Alcohol	Monday to Thursday	11:00	01:00
J: Supply of Alcohol	Friday and Saturday	12:00	23:00
J: Supply of Alcohol	Sunday		
J: Supply of Alcohol	Non-standard timings until 00:00hrs on Fridays, Saturdays, Sundays and Mondays at Bank Holiday weekends, Christmas Eve and Boxing Day. New		



<p>J: Supply of Alcohol</p>	<p>Years Eve 10:00hrs to New Years Day terminal hour as proposed.</p> <p>To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times for this purpose to be confirmed upon 14 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.</p>	
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The opening hours of the premises: -	
Monday:	11:00 - 00:00
Tuesday:	11:00 - 00:00
Wednesday:	11:00 - 00:00
Thursday:	11:00 - 00:00
Friday:	11:00 - 01:00
Saturday:	11:00 - 01:00
Sunday:	12:00 - 23:00
Others:	The premises will close 30 minutes after the end of the non-standard timings as for the sale of alcohol

- On the 8th March 2023, John Gaunt & Partners, made application on behalf of Marston's PLC, in respect of the premises known as the Crown for the variation of the premises licence as follows:

To vary the Premises Licence to commence trading earlier to undertake breakfasts. To facilitate the provision of alcohol on an occasional basis with those breakfasts, particularly to travelling sports fans.

The premises seeks to operate later Fridays and Saturdays.

The premises seeks to amend conditions on the licence.

Hours for Licensable Activities

To bring forward the commencement time for retail sale of alcohol to **8am daily (Monday to Sunday)**.

To extend the hours of operation in respect of retail sale of alcohol and licensable activities (indoor sporting events, films, recorded music, performance of dance, entertainment of a similar kind and late night refreshment) **until 2am on Friday and Saturday**.

No change is sought for live music which will cease at 12 midnight.

Opening Hours

A consequential amendment is sought in relation to the opening hours of the premises so as to permit the premises to open as follows:

- Monday to Thursday, 8am until 00.30am
- Friday and Saturday, 8am until 2.30am
- Sunday, 8am until 23.30pm

Conditions

1. Amendment to Condition 1 agreed with Environmental Health on 6 September 2000 to read:-

Entertainment beyond incidental music should cease no later than 11pm Sunday to Thursday and 2am on Friday and Saturday

2. Additional steps in order to promote the four licensing objectives as a result of the proposed variation as follows:-

Prevention of Crime and Disorder Condition to be amended to read:



The premises will undertake a risk assessment as to the implementation of the last entry policy when undertaking licensable activities after 12 midnight

6. Confirmation that copies of the application form and supporting documentation has been served on the relevant authorities has been received.
7. Representations in respect of the application have been received from Planning Development Control and 2 Local Ward Members. Copies of all representations have been forwarded to Committee Members, Interested Parties and the Applicant in accordance with the Licensing Act 2003.

Finance

8. There are no financial implications.

Law

9. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, part 3, section 34.
10. Pursuant to section 35(3)(a) of the Licensing Act 2003, where a relevant representation is made, the Licensing Authority must:-
 - Hold a hearing to consider item, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and,
 - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
 - The steps are:-
 - To modify the conditions of licence;



- To reject the whole or part of the application.
11. Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to :-
 - the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
 12. In pursuance of regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005), the licensing authority must make its determination at the conclusion of the hearing.
 13. In pursuance of schedule 5, section 4 if the Licensing Authority refuse to grant the application vary the premises licence, there is a right of appeal to the Magistrates' Court.
 14. In pursuance of schedule 5, section 4(2) where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of section 35 of the Licensing Act 2003.
 15. In pursuance of schedule 5 section 4(3) where a person who made relevant representations to the application desires to contend:-
 - a) that any variation made ought not to have been made, or
 - b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified item in a different way, under subsection 4(a) of section 35 of the Licensing Act.



They have the right of appeal to the Magistrates' Court.

Risk Management

16. There are no risk management implications.

Equality Impact

17. This report complies with the Council's policy on equal opportunities.

18. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

19. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

20. There are no Human Resources/organisational Development implications.

Commercial/Procurement

21. There are no commercial/procurement implications.

Environment/Climate Change

22. There are no Environment/Climate Change implications.

Council Priorities and Projects

23. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.





Andy Vaughan
Interim Director of Environment Directorate

Report Author: Mr S Smith
Telephone: 01384 815377
Email: simon.smith@dudley.gov.uk

Appendices

None

List of Background Documents

None

